

ney to confer with the committee of the House upon the consideration of the same.

Mr. Rannels moved to reconsider the vote taken to day, refusing to concur in the amendment of the Senate to the bill to be entitled an act to amend the second and seventh sections of an act organizing the Supreme Court of the State of Texas, etc.

Mr. Scott moved to lay the motion of Mr. Rannels on the table until Monday next.

On motion of Mr. Dickson, the House adjourned until ten o'clock to-morrow morning.

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AUSTIN, November 28, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Hardeman of Travis, Reynolds, Shepard, Stewart and Winfield.

Journal of yesterday read and adopted.

Mr. Sterne submitted the petition of James Crossland, praying for relief; referred to the committee on Private Land Claims.

Mr. Patrick submitted the petition of Rosa L. Williams, praying for relief; referred to the committee on Private Land Claims.

Mr. Franklin, chairman of the committee on the Judiciary, to whom was referred an act to amend the 1st Section of an act approved August 23, 1850, entitled an act to amend the second section of an act to define the time of holding the Courts in the several Judicial Districts, approved February 29, 1850; reported a substitute for the same and recommended its passage.

Report, bill and substitute laid on the table to come up among the orders of the day.

Mr. Fields, chairman of the committee on Finance, to whom was referred the bill for the relief of the citizens of Fannin county, reported the same back to the House and recommended its indefinite postponement.

Report laid on the table to come up among the orders of the day.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act concerning the book or register of Land Certificates issued by the Board of Land Commission-

ers for the county of Harris, which was at one time mislaid, but subsequently found and identified as genuine and unaltered, originating in the House of Representatives; also, a bill to be entitled an act for the relief of John Edmonds; a bill to be entitled an act for the relief of John E. Linn; and a bill to be entitled an act to establish Public Schools in the county of Comal, originating in the Senate.

Mr. Bryan, chairman of the committee on Education, to whom was referred a bill to be entitled an act to incorporate the Arodelphia Academy, reported the bill back to the House and recommended its passage.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of Laanna Ward, reported the same back to the House and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Patrick, one of the committee on Private Land Claims, to whom was referred a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue a Headright to the Heirs of Mary Ann Smith, deceased, for one league and labor of land, reported the same back to the House without amendment and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred a bill to be entitled an act for the relief of M. W. B. Armstrong, reported the same back to the House and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Patrick, chairman of the committee on Claims and Accounts, to whom was referred the petition of Zachariah N. Morel; reported the same back to the House and asked to be discharged from its further consideration.

Report laid on the table to come up among the orders of the day.

Mr. Franklin, chairman of the Select committee, to whom was referred the bill to be entitled an act for the relief of Robert Shaw, reported the same back to the House and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Stapp, chairman of the Joint Select committee, to whom



was referred the bill to be entitled an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, made the following report:

COMMITTEE ROOM, November 28th, 1850.

Hon. C. G. KEENAN,

*Speaker of the House of Representatives:*

The joint committee of Conference of the Senate and House of Representatives upon the disagreement of the two Houses upon the Senate's substitute to the House's bill, entitled an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th May, 1846, have had the same under consideration, and a majority of the committee have agreed to amend the Senate's substitute by adding the counties of Victoria, Calhoun, Jackson, Dewitt and Goliad, after the word "Medina," in the fourteenth line of said section, and to strike the same from the twenty-eighth and twenty-ninth lines of said second section, and recommend the adoption of the Senate's substitute to the two Houses.

DAVID Y. PORTIS,

Chairman on part of the Senate

D. M. STAPP,

Chairman on part of the House.

A motion was made to suspend the rule in order to take up the report of the Joint Select committee just read; upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Speaker, Bogart, Charlton, Clements, Cochran, Crump, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Johnson, Jowers, Lewis, Lloyd, Lott, McKinney, Patrick, Polk, Runnels, Selman, Shaw, Smith of Red River, Smith of Shelby, Speights, Sterne, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—32.

Nays: Messrs. Bryan, Fields, Hunt, Owen, Reynolds, Russell, Scott, Shea, Stapp, Stewart and Tarrant—11.

So the rule was suspended.

Mr. Bogart moved the adoption of the report of the Joint Select committee; upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Bogart, Clements, Cochran, Gillet, Hardeman of Nacogdoches, Hendricks, Holland, Hunt, Johnson, Lewis, Lloyd, Lott, Polk, Speights, Sterne, Taylor of Harrison, Wigfall, Williams and Wren—19.

Nays: Messrs. Speaker, Bryan, Charlton, Crump, Dickson, Fields, Franklin, Hardeman of Travis, Jowers, McKinney, Owen, Patrick, Reynolds, Runnels, Russell, Scott, Selman, Shaw,

Shea, Smith of Red River, Smith of Shelby, Stapp, Stewart, Tarrant and Taylor of Cass—25.

So the House rejected the report of the committee.

Mr. Taylor of Cass gave notice to the House, that at the proper time, he would move a reconsideration of the vote just taken rejecting the report of the Joint Select committee.

Mr. Stewart introduced a bill to be entitled an act authorizing the Comptroller to settle with the administrator of Joseph D. Clements, deceased; read first time.

Mr. Scott introduced a bill to be entitled an act, declaratory of the intention of the State of Texas relative to her Public Debt; read first time.

Mr. Crump introduced a bill for the relief of certain persons therein named; read first time.

Mr. Crump moved to suspend the rule in order to place the bill upon its second reading; upon which motion the yeas and nays were called, and stood as follows:

Yeas—Messrs. Crump, Hardeman of Travis, Lewis, Lott, Runnels, Russell, Shea, Smith of Shelby, Sterne, Stewart, Taylor of Cass, Wigfall and Wren—13.

Nays—Messrs. Speaker, Bogart, Charlton, Clements, Cochran, Fields, Franklin, Hunt, Jowers, Lloyd, McKinney, Patrick, Polk, Reynolds, Scott, Selman, Shaw, Smith of Red River, Speights, Tarrant, Taylor of Harrison and Williams—22.

So the House refused to suspend the rule.

On motion of Mr. Fields, the House proceeded to take up the business on the Speaker's table and to the

### ORDERS OF THE DAY.

A bill to be entitled an act better to regulate the election of Judges of the Supreme Court, originating in the Senate, with the substitute of the select committee of the House.

On motion of Mr. Scott, a call of the House was ordered, and the Sergeant at Arms dispatched for absent members.

On motion of Mr. Dickson, Mr. Burney was excused from attendance on the House.

On motion of Mr. Hardeman of Nacogdoches, Mr. Shepard was excused from attendance on the House to day.

On motion, a further call of the House was suspended.

The question being upon the adoption of the substitute proposed by the select committee, the yeas and nays were called, and stood as follows:

The Speaker called Mr. Fields to the chair.



Yeas—Messrs. Bogart, Charlton, Cochran, Dickson, Fields, Franklin, Gillet, Hardeman of Nacozdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lloyd, Lott, Owen, Patrick, Runnels, Russell, Scott, Selman, Shaw, Smith of Red River, Stapp, Sterne, Stewart, Tarrant, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—32.

Nays—Messrs. Bryan, Crump, Hunt, Lewis, McKinney, Polk, Reynolds, Shea and Speights—9.

So the substitute was adopted.

Mr. Franklin proposed the following amendment:

At the end of the first section, add the words "*Provided*, That should there be a tie between two or more persons for the office of Chief Justice, or between three or more persons for Associate Justices, the Governor shall immediately order a new election giving thirty days notice to fill the places left vacant by such tie." Amendment adopted, bill and passed to a third reading.

Mr. Jowers, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, November 28, 1850.

To Hon. C. G. KEENAN,

*Speaker of the House of Representatives:*

The committee on Engrossed Bills have examined an act to amend the sixth section of an act entitled an act concerning slaves, approved the 5th February, 1846, and find the same correctly engrossed. Report accepted.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill to be entitled an act for the relief of L. D. Henderson, the heirs of William Donoho, deceased, and Charles Ames; also, a bill to be entitled an act to amend an act entitled an act to incorporate the Galveston Ferry, Freight, and Tow-boat Company, originating in the House of Representatives.

Mr. Russell informed the House that he had, pursuant to the resolution of the House, procured the translation of the Governor's message into the German language, which translation he presented to the House.

On motion of Mr. Sterne, the House adjourned until three o'clock, p. m.

3 o'clock, P. M.

House met—roll called—quorum present.

A bill to be entitled an act amendatory of an act to create the county of Freestone—from the Senate—read third time and passed.

Mr. Runnels moved to suspend the rule in order to take up the



bill to be entitled an act to amend the sixth section of an act concerning slaves, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Clements, Cochran, Crump, Dickson, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Hunt, Johnson, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Russell, Selman, Shaw, Shea, Smith of Red River, Speights, Stapp, Stewart, Taylor of Cass, Taylor of Harrison, Williams and Wren—35.

Nays—Messrs. Reynolds and Tarrant—2.

So the rule was suspended; bill taken up, read third time and passed.

Senate's bill to be entitled act for the relief of Peter Gallagher and the legal representatives of Archibald Fitzgerald and Thompson Robinson; read first time.

Senate's bill for the relief of John McLennan, jr.; read first time.

A bill to be entitled an act to authorize the Executive Board of Managers of the Masonic Institute at Marshall, Harrison county, to confer degrees, etc.; read third time and passed.

A bill to be entitled an act to amend an act entitled an act to incorporate the city of New Braunfels; read third time and passed.

A bill to be entitled an act for the relief of Zachariah N. Morrell; read third time and passed.

A bill to be entitled an act for the relief of James Chesher, sen.; read third time and passed.

A bill to be entitled an act to incorporate the Shelbyville University, in the county of Shelby; read third time and passed by a constitutional majority—yeas 36—nays 3.

Mr. Burney, chairman of the joint committee on Enrolled Bills, made the following report, which was accepted.

COMMITTEE ROOM, November 28, 1850.

Hon. C. G. KEENAN,

*Speaker of the House of Representatives:*

The joint committee on Enrolled Bills, have examined an act for the relief of Lorenzo D. Henderson and the heirs of Wm. Donoho, deceased, and Charles Ames, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day transmitted to his Excellency, the Governor of the State, for his approval.

Mr. Stapp moved a suspension of the rule, in order to take up a bill to be entitled an act to provide for the final adjustment of the Public Debt of the late Republic of Texas, upon which the yeas and nays were called for and stood as follows:



Yeas—Messrs. Speaker, Bryan, Burney, Crump, Dickson, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hunt, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Russell, Selman, Shaw, Shea, Smith of Red River, Stapp, Stewart, Taylor of Cass, Wigfall, Williams and Wren—29.

Nays—Messrs. Bogart, Charlton, Cochran, Gillet, Reynolds, Smith of Shelby, Speights and Tarrant—8.

So the rule was suspended and bill taken up.

The question being upon the adoption of the amendment of Mr. Wigfall, Mr. Wigfall asked leave of the House to withdraw his amendment; granted.

Mr. Franklin moved to postpone the further consideration of the bill and make it the special order of the day for Saturday, 11 o'clock, a. m.; lost.

Mr. Stapp moved to postpone until to-morrow 11 o'clock, a. m.; carried.

Mr. Crump moved the House adjourn until 10 o'clock, a. m. to-morrow; lost.

Mr. Taylor of Cass moved a reconsideration of the vote just taken, making the bill the special order for 11 o'clock to-morrow, upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Dickson, Jowers, Selman, Smith of Red River, Speights, Taylor of Cass and Wren—13.

Nays—Messrs. Bryan, Clements, Crump, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Hunt, Johnson, Lewis, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Runnels, Russell, Shaw, Shea, Smith of Shelby, Stapp, Stewart, Tarrant, Taylor of Harrison, Wigfall and Williams—29.

So the House refused to reconsider.

Mr. Wigfall, by leave, introduced the following joint resolutions; read first time.

*Whereas*, The State of Texas, although among the youngest members of this confederacy, is not the less attached to that Union which it was the consecrated office of the constitution of the United States to establish and form.

Emerging herself so recently out of an impending conflict with the General Government, which must have been attended with consequences the most disastrous to the whole country; feeling most sensibly the incalculable blessings that Union has conferred on a free and enlightened people, until the fell spirit of fanaticism and sectional legislation established their empire in the Halls of Congress; painfully anxious at the profound and exaspera-



ted spirit of discontent occasioned by the aggressive hostility of several of the non-slaveholding States, and some of the citizens thereof on the slave institutions of the South, more especially so intensely and portentously manifested in the States of South Carolina, Georgia, Alabama and Mississippi, in the second of which a sovereign convention of her people is just about to meet, and the Legislatures of the other States are now in assembly not only to calculate the value of the Union but to discuss the expediency of dissolving it; a calamity which has been brought on the country not alone by the morbid state of public sentiment—not alone by the unjust and aggressive legislation of Congress, but by the insulting discussion of the abolition of slavery in the Territories of the United States, on the reception of incendiary petitions on this subject, as offensive in their character as they have been wickedly dangerous in their tendency.

The people of Texas, represented by their Legislature in General Assembly, deeply sensible of the peril of the present crisis, approach with feelings of fraternal confidence and affection these four States, whose gallant sons, had the collision taken place between herself and the general government, were prepared to dye her verdant prairies with their precious blood, and entreats them to pause and wait the efficacy of some remedy less dangerous to the peace of the country and to the stability of the Union, than the secession of one or more of the States from the confederacy.

The Legislature of Texas cannot believe that all the remedies to avert so dire a calamity have been exhausted. Whilst we say in the language of a deceased and lamented statesman, "*aggression must cease*" yet we concur with him in the opinion he so ably expressed—that there is a great and abiding power in the instrument itself for its ultimate conservation—the power of amendment.

We therefore implore the States to whom we have made this appeal, to consult a patience which is yet consistent with the nicest sense of courage and honor, and wait the issue of the struggle now waging in the non-slaveholding States between the zealous friends and vindictive enemies of the constitutional rights of the South.

In the meantime let this Legislature, speaking for the people of Texas, solemnly instruct our delegation in Congress to propose for the adoption of the States, the amendments appended in the resolution hereunto annexed.

It has become undeniably manifest, without some sort of Legislative *veto*, inherent in both branches of Congress, in reference to certain subjects of such vital consequence, that the preserva-



tion of the Union depends on its restricted action. Such a Legislative *veto* is indispensable to the protection of the interests of the minority on all questions affecting the reserved rights of the States, and their domestic institutions; without such protection, it reduces the States in a minority, to a condition essentially colonial.

In the original draft of the constitution, as it came from the committee, there was a provision to this effect, which, for the peace and liberty of the country, it is deeply to be regretted, was stricken out, which required a concurrence of two-thirds of both branches of Congress to pass a law on certain subjects.

Ought an effort to engraft such an amendment on the constitution now to be deemed hopeless? More especially as its adoption would give perpetuity to the Union, and an abiding harmony among the States. As patriots it behooves us to make zealous endeavors to accomplish results so inestimable and priceless in themselves.

We therefore invoke all the States, however separated by distance and diverse interests, in that feeling of brotherly affection, out of which the constitution and the Union owe their origin, to consider calmly the amendments to the constitution which we are about to propose.

If some of them are rejected, we shall regard the fate of the Union as essentially in jeopardy, and that a majority in the confederacy has resolved to fix on the country "a government without limitation of powers," consummated by the tyranny of an arbitrary majority.

This calamity has to a great extent befallen the country. If it should be remediless from the injustice of a majority in the other States, Texas will find no difficulty in taking a position in entire conformity with the wisdom, gallantry, patriotism and love of freedom which belong to her people.

*Be it resolved by the House of Representatives of the Legislature of Texas, That our Senators be instructed, and our Representatives be requested to present with this preamble and resolution, the following proposed amendments to the constitution of the United States, which, when adopted by three-fourths of the States, shall be taken and deemed as a part of the same:*

#### *Amendments.*

1. All bills introduced into Congress, in any degree whatsoever affecting the reserved rights of the States, the imposition of taxes, direct or indirect, the appropriation of the public money to clearing out rivers, harbors or bays, or for the construction of national

roads; or for the donation of the public land, shall only become a law by a vote of two thirds of each branch of Congress.

2. The power to regulate commerce shall not be construed to confer any power over the Slave Trade between the States.

3. The power to exercise exclusive legislation in the District of Columbia, shall not be so construed as to give Congress the power to abolish it in the same.

4. The right of the people peaceably to assemble to petition the Government for a redress of grievances, shall not be so construed as to permit Congress to receive, refer, discuss or report on any petition having for its object the abolition of slavery in the States or Territories of the Union.

5. No amendment shall ever be made to the constitution on the subject of slavery, except by the unanimous consent of all the States.

6. The Government of the United States shall have the power to acquire Territory by conquest or purchase, but Territory so acquired, shall belong to all the States and not to the Government in its corporate or aggregate capacity.

7. No State formed out of Territory acquired by the United States, except it pass through the condition of a Territorial Government for at least three years previous to its application for admission, has a census of its population taken by the authority of the Congress, one year previous to application, shall be admitted.

Mr. Fields, by leave, introduced the following resolution:

*Resolved*, That the unfinished business on the Speaker's table, for each preceeding day, shall first be disposed of, after the orders of the day are taken up, before it shall be in order to consider any new business.

Laid on the table one day for consideration.

On motion of Mr. Crump, the House adjourned until 9 o'clock to-morrow morning.

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AUSTIN, November 29, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Fields, Franklin, Gillet, Jowers, Lewis, Shepard, Smith of Red River, Wigfall, and Winfield.

Journal of yesterday read and adopted.